

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 CARLOS ROMAN,

11 Plaintiff,

12 v.

13 WASHINGTON CORRECTIONAL
14 FACILITY et al.

15 Defendants.

CASE NO. C11-5234-BHS-JRC

REPORT AND
RECOMMENDATION

NOTED FOR: November 18, 2011

16 This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned
17 Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and Local Magistrate
18 Judge Rules MJR 1, MJR 3, and MJR 4. Plaintiff has filed a motion for voluntary non-
19 suit (ECF No. 25). Here, an answer has been filed (ECF No. 14). Pursuant to Fed. R. Civ.
20 P. 41(a)(2), the Court may dismiss the action on plaintiff's request on terms that are just.
21 There is no opposition to dismissal without prejudice in this case. Accordingly, the Court
22 recommends that this action be dismissed without prejudice.
23
24

1 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
2 fourteen (14) days from service of this Report to file written objections. See also Fed. R.
3 Civ. P. 6. Failure to file objections will result in a waiver of de novo review by the
4 District Court Judge. See, 28 U.S.C. 636 (b)(1)(C). Accommodating the time limit
5 imposed by Rule 72(b), the clerk is directed to set the matter for consideration on
6 November 18, 2011 as noted in the caption.

7 Dated this 20th day of October, 2011.
8
9

10 

11 J. Richard Creatura
12 United States Magistrate Judge
13
14
15
16
17
18
19
20
21
22
23
24